

REMARKS

This amendment is responsive to the Office Action of March 31, 2008. Reconsideration and allowance of the claims 2-10, 13, 14, and 16-22 are requested.

The Office Action

Claims 2, 4, 5, 9, 10, and 12-14 stand rejected under 35 U.S.C. § 102 as being anticipated by Koyama (US 4,853,917) or Anderson (US 2002/0161357).

Claims 3, 6, 7, 16, 18, and 19 stand rejected under 35 U.S.C. § 102 as being anticipated by Anderson.

Claims 7 and 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Koyama in view of "well-known practices".

Claim 17 stands rejected only under 35 U.S.C. § 112 and does not stand rejected on art.

**The Claims Are Not Anticipated By and Are Patentable
Over the References of Record**

Claim 2 calls for an optical spectroscopic analysis for spectroscopically determining a property of a substance in the volume of interest. Koyama is a tracking system for a laser which reads an optical disk (column 1, lines 9-17). There is no suggestion in Koyama of any spectroscopic analysis for determining a property of a substance in the volume of interest.

Anderson is directed to a dermatological treatment apparatus (see paragraph [0002]). Anderson applies radiation in any of a variety of frequencies (see paragraph [0015]) to remove hair, treat wrinkles, kill blood vessels, and the like (see paragraphs [0051]-[0054]). Anderson fails to disclose any spectroscopic analysis of returned light.

Claim 5 calls for the spectroscopic analysis to include one of several different types of spectrometry, none of which are disclosed by Koyama or Anderson.

Claim 17 was not rejected on art and is understood to contain allowable subject matter.

Accordingly, it is submitted **that claim 2 and claims 3-8 and 17 dependent therefrom** are not anticipated by Anderson or Koyama.

Claim 9 calls for a spectroscopic system including a laser which provides a stationary incident measurement laser beam that is larger than and encompasses the volume of interest and the objective. In Koyama, the laser beam is commensurate in size or smaller than the objective **46**.

Claim 9 further calls for a spectrometer. Neither Koyama nor Anderson disclose a spectrometer. Koyama is directed to a tracking system such as a laser for reading an optical disk. Anderson is directed to a therapeutic device for dermatological treatments. Neither discloses or fairly suggests the use of a spectrometer.

Accordingly, it is submitted that **claim 9 and claims 10-14 dependent therefrom** are not anticipated by either Koyama or Anderson.

Claim 16 calls for performing a spectroscopic analysis of blood. Anderson does not perform a spectroscopic analysis. Rather, Anderson is directed to a treatment system which directs a laser for removing hair, killing a blood vessel close to the skin by coagulating blood in it, and other dermatological treatments. Anderson makes no suggestion of a spectroscopic analysis. Accordingly, it is submitted that **claim 16 and claims 18 and 20 dependent therefrom** are not anticipated by Anderson.

Claim 19 calls for a spectrometer which analyzes light to determine one or more properties of blood in a target blood vessel. Anderson discloses no spectrometer nor does Anderson disclose other means for determining the properties of blood in a target blood vessel. To the contrary, Anderson uses the described laser beam to coagulate blood in the vessel as a part of a dermatological treatment. Accordingly, it is submitted that **claim 19 and claims 21 and 22 dependent therefrom** distinguish patentably and unobviously over the references of record.

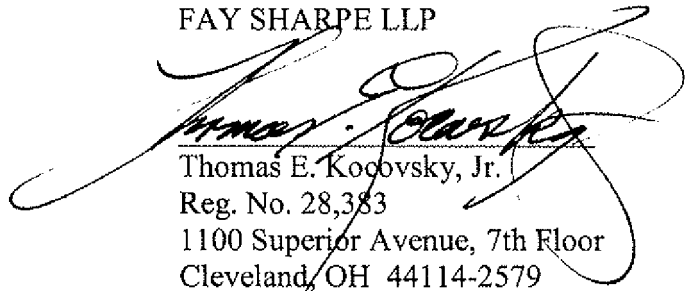
CONCLUSION

For the reasons set forth above, it is submitted that claims 2-10, 13, 14, and 16-22 are not anticipated by and distinguish patentably over the references of record. An early allowance of these claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP



Thomas E. Kocovsky, Jr.
Reg. No. 28,383
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2579
(216) 861-5582